

**Town of Garner  
Town Council Meeting Minutes  
April 1, 2019**

The Council met in regular session at 7:00 p.m. in the Garner Town Hall located at 900 7<sup>th</sup> Avenue.

**CALL MEETING TO ORDER/ROLL CALL**

Mayor ProTem Ken Marshburn called the meeting to order as the Mayor was a few minutes late.

Mayor Ronnie Williams, Mayor ProTem Ken Marshburn, Council Member Buck Kennedy and Council Member Gra Singleton.

Council Member Kathy Behringer was absent.

Staff Present: Rodney Dickerson-Town Manager, John Hodges-Asst. Town Manager-Development Services, Matt Roylance-Asst. Town Manager-Operations, Pam Wortham-Finance Director, Rick Mercier-Communications Manager, Het Patel-Senior Planner, Chris Johnson-Town Engineer, BD Sechler-Human Resources Director, Sonya Shaw-PRCR Director, Stacy Harper-Senior Planner, David Bamford-Planning Services Manager, Tony Beasley-Inspections Director, Jeff Triezenberg-Planning Director, William E. Anderson-Town Attorney, Stella Gibson-Town Clerk

**PLEDGE OF ALLEGIANCE:** Council Member Gra Singleton

**INVOCATION:** Council Member Gra Singleton

**PETITIONS AND COMMENTS**

**ADOPTION OF AGENDA**

Motion: Kennedy  
Second: Singleton  
Vote: 3:0

**PRESENTATIONS**

**Amazon Construction Update**

Presenter: Tony Beasley, Inspections Director

Mr. Beasley provided a status of the construction at the Amazon facility and showed a timeline video that will be placed on the Town's website.

**CONSENT**

**Health & Benefits Renewals for 2019-2020**

Presenter: BD Sechler, Human Resources Director

Staff provided analysis and recommendations for the FY 19/20 health plan and other benefits at the March 26th work-session. Based on discussion and comments during that meeting, staff is requesting Council approval to allow for July 1, 2019 implementation.

Action: Approve renewals for the 2019-20 Fiscal Year based upon presentation at the March 26th work-session.

#### **Project Ordinance for the Amazon Project Road Improvements**

Presenter: Pam Wortham, Finance Director

This Ordinance establishes the project budget for the road improvements on Jones Sausage Road as a part of the Amazon project. We are budgeting for the receipt of funds from the NC Department of Transportation and budgeting for the use of fund balance from the general fund to be transferred to the capital project fund. The contract was approved by Town Council at the March 19 meeting.

Action: Adopt Ordinance (2019) 3958

#### **Ordinance Amending FY2018/2019 Operating Budget (Purchase of Parkland - Yeargan)**

Presenter: Pam Wortham, Finance Director

This amendment will budget for the purchase of the 72.5 acres of future park land as recommended by Council at the March 19, 2019 meeting, utilizing fee-in-lieu of parkland and Fund Balance.

Action: Adopt Ordinance (2019) 3959

#### **Ordinance Amending FY2018/2019 Operating Budget (Attorney Fees)**

Presenter: Pam Wortham, Finance Director

This amendment will budget for the increase in attorney fees as recommended by the Law and Finance Committee and approved by Council on March 4, 2019.

Action: Adopt Ordinance (2019) 3960

#### **Ordinance Amending FY2018/2019 Operating Budget (Stormwater Design)**

Presenter: Pam Wortham, Finance Director

This amendment will budget \$156,500 to contract with McAdams to design the Stormwater projects for 2019.

Action: Adopt Ordinance (2019) 3961

#### **Ordinance Amending FY2018/2019 Operating Budget (Insurance Proceeds)**

Presenter: Pam Wortham, Finance Director

Request to budget insurance proceeds that have been received to cover the cost of the repairs for which the insurance was intended.

Action: Adopt Ordinance (2019) 3962

**Resolution Authorizing Disposition of Personal Property (Macky)**

Presenter: Brandon Zuidema, Police Chief

Recognize K9 Officer Macky of Senior Officer Greg Holding as disposable property, so he can be awarded to Senior Officer Holding in recognition of Macky's retirement from the Town after eight years of service.

Action: Adopt Resolution (2019) 2371

**Nuisance Abatements**

Presenter: Pam Wortham, Finance Director

Resolution declaring certain delinquent nuisance abatements as a lien on property. This resolution authorizes Wake County to add these abatement costs to Wake County property tax bills.

Action: Adopt Resolution (2019) 2372

**PUBLIC HEARINGS**

Mr. Anderson explained the procedures to be followed during the hearings and asked Council to disclose any ex parte communication. Hearing none, the Town Clerk administered the Affirmation of Oath to the following: Mary Harrison, Mark Phillips, Tom Hester, Rhomni Williams, Travis Fluitt, Tom Anastasi, Isabel Mattox, James Gerhart, Wilma Dunston, Lillie Sanders, Bill Linthicum, Dan Pabst, Chris Bostic, Wayne Baker, Jeffrey Auchter, Keith Roberts, Brian Sherman, Chris Rurkowski, Paul Caps, Het Patel, David Bamford, Stacy Harper, and Jeff Triezenberg.

**CUP-SP-18-24, KW Utilities**

Presenter: Stacy Harper, Senior Planner

Mayor Williams opened the public hearing and asked Ms. Harper to provide the staff report.

Ms. Harper stated this conditional use permit was requested by Tony Tate Landscape Architecture to develop a flex-space office / warehouse development of 47,000 square feet on 9.64 +/- acres. The site is located in White Oak Business Park on Bricksteel Lane.

Chris Rurkowski spoke in support of the project.

Site specific condition: Prior to issuance of the first building permit, the Stormwater Program Administrator shall be in receipt of proof of payment for the required nitrogen offset payment to an approved mitigation bank.

Motion: Find this project consistent with the plans and approve. Move Council accept the staff statements regarding plan consistency in Section IV of this report as our own and find the application

meets the 10 permit criteria in Section 3.14.D. and therefore approve CUP-SP-18-24, KW Utilities, with the three standard conditions to be listed on the permit that will be prepared by staff.

Action: Grant permit by Order

Motion: Singleton  
Second: Kennedy  
Vote: 3:0

**CUD-Z-18-14 & CUP-SB-18-10, Lager Lane 18-14**

Presenter: Het Patel and Stacy Harper, Senior Planners

Conditional rezoning (CUD-Z-18-14) and associated subdivision plan (CUP-SB-18-10) request submitted by Tupelo Honey Land Development Co. to rezone 8.03 +/- acres from Single-Family Residential (R-40) to Single-Family Residential (R-9 C213) conditional use and to develop a single-family subdivision of 20 lots (Lager Lane). The site is located on the south side of Lager Lane.

Bryan Sherman stated he was opposed to the project due to the density, drain and natural pond disturbance, tree removal, and increased traffic.

Keith Roberts stated home pricing for this project is in the area of \$300K due to the high costs of developing. Wayne Baker added this project is for a target market – people who want more square footage with less yard maintenance and bedrooms downstairs.

Mayor Williams closed the public hearing.

Council Member Kennedy stated this property was evaluated over a decade ago and he appreciated the design and zoning considerations to maintain consistency with the adjacent subdivision. Mayor ProTem Marshburn added this type of project will not harm property values of the surrounding communities.

Action: Adopted Ordinance (2019) 3955

Motion: Kennedy  
Second: Singleton  
Vote: 3:0

**CUD-Z-18-13 & CUP-SP-18-25, Sheetz**

Presenter: Het Patel, Senior Planner

Mayor Williams opened the public hearing and asked Mr. Patel to present the staff report.

Mr. Patel provided a summary of this request and stated it is for a Conditional rezoning (CUD-Z-18-13) with associated site plan (CUP-SP-18-25) request submitted by LRC Development Co. to rezone 2.2 +/- acres from Single-Family Residential (R-9) and Community Retail (CR) to Community Retail (CR C212) conditional use and to develop the site as a convenience store with fuel sales (Sheetz). The site is located along New Rand Road.

Isobel Mattox provided an overview of the request.

Support  
Rhomni Williams

Ben Linthicum stated he owned and operated Capital Pools & Spas for over 25 years and explained he was only developing five of the seven lots, with the two vacant lots closer to the residential subdivision. He added it was his plan to develop the two remaining lots as single family or multi-family homes.

#### Opposed

The following expressed concern with one or all of the following relating to the rezoning request: traffic, noise, environmental, road changes, delivery trucks, sense of tranquility and pride in neighborhood, more foot traffic if sidewalks were added, property values, potential increase in crime, retention pond runoff, pollutants, potential fire and explosions.

Denise Ruffin Thomas  
Sherry Phillips  
Wilma Dunston  
Lillie Sanders  
Mary Harrison  
Kathryn Bell Branch  
Mark Phillips  
Chris Bostic

Ms. Mattox stated the 10 standards for approval of a conditional use site plan were met and this project presented no danger to public health or safety.

Following are comments addressing concerns of those opposed to the project.

Danny Gearhart, Sheetz real estate, explained all employee shifts at Sheets receive NC classification for operator training which allows them to be the stores' emergency contact if there is an incident. Sheetz has not had a leak in the UST because a double-walled tank system has been in place since 2001 which includes North Carolina. No major spills on any NC Sheetz lots. Sheetz has a six hour response to any sensors. All stores also get third party walk-through inspections and Sheetz does their own comprehensive inspections quarterly. Sheetz also owns their own tanker trucks.

Tom Hester stated this retail site is typical for this type of zoning.

Isabel Mattox stated this zoning complies with provisions in the UDO and Transportation Plan as confirmed by staff.

Mark Phillips, addressed landscaping concerns, large nursery plants are not available, but small fast-growing vegetation will be planted.

Delivery trucks will enter the site from US 70.

Lighting meets minimum standards per Ordinance.

Tom Anastasi stated distribution trucks usually visit sites three times per week, however, on average that may be two deliveries per day, seven days per week with most deliveries occurring at night. In

addition, fuel has a vapor recovery system and tanks have similar regulations to collect vapors; none will be released when fueling.

Travis Fluitt addressed the concerns regarding the traffic impact in the area stating it was approved by Town staff and NC DOT.

Council Member Singleton clarified the rezoning will not impact the location where the residents live.

Hearing no further comments, Mayor Williams closed the hearing.

Council Member Kennedy added it was important to be mindful of the commercial and retail businesses coming to Hwy 70; not as a result of Sheetz or Council. Hwy 70 has been changing. Change may be slow, but it is coming. Mr. Lithicum implemented a play by accumulating property over time and Sheetz followed the rules to develop his property. The community presented a good case regarding their concern for safety.

Mayor ProTem Marshburn added Sheetz is a good company but there is concern regarding the neighborhood and the concerns of the citizens.

Action: Find the request inconsistent with the Comprehensive Plan and deny and move the Council find the rezoning request inconsistent with the Garner Forward Comprehensive Plan and therefore, move further that the Town Council reject the recommendation of the Planning Commission and deny rezoning request number CUD-Z-18-13.

Motion: Singleton  
Second: Marshburn  
Vote: 3:0

Consideration of CUP-SP-18-25 is not necessary as CUD-Z-18-13 was denied.

## **NEW/OLD BUSINESS**

### **Z-18-06, Godwin Property - Jordan Road**

Presenter: Het Patel, Senior Planner

Mr. Patel stated this general rezoning request submitted by Harold Godwin to rezone 18.59 +/- acres from Community Retail (CR) to Neighborhood Office (NO). The site is located on Jordan Road (where Jordan Road ends before NC 50 north of Ten-Ten Road).

Action: Find consistent with the Comprehensive Plan and move the Town Council accept staff's statements regarding zoning consistency with the Comprehensive Growth Plan, detailed in Section IV of the staff report, as our own and move further that the Town Council adopt Ordinance (2019) 3957 approving rezoning request Z-18-06 as it is reasonable and in the public interest because it will likely allow the development of an appropriate density of housing in the area in which it is located.

Motion: Marshburn  
Second: Kennedy  
Vote: 4:0

## **New Recreation Center Furniture Bid**

Presenter: Sonya Shaw, PRCR Director

Ms. Shaw provided the following regarding the request to utilize All American Relocation and Office Solution for the new Recreation Center furniture purchase.

Bids were solicited and a bid opening was held February 28, 2019, for the Recreation Center Furniture Bid; only one bid was received. Bids were solicited a second time and a re-bid opening was held March 11, 2019. The only bid received during both bid processes was All American Relocation and Office Solution in the amount of \$149,854.19. The certified bid tabulation is enclosed for your review and includes the following:

- Group 1 Furniture: Office chairs, desks, tables, file/desk storage, bookcases, money safe- Projected cost of \$48,892.15. The cost of office furniture was not added to the project budget when we made the decision to move Parks staff from Town Hall to the Rec Center.
- Group 2 Lobby, Multipurpose and Art Room Furniture: Classroom tables, chairs, table/chair storage cart; Lobby tables, chairs, benches- Projected cost of \$100,961.94, which is reimbursable by CDBG funds.

This purchase will procure all furnishings for the new Recreation Center building and include coordinating with the vendor on space planning and design, finish and color selection, as well as product installation and delivery.

All American Relocation and Office Solution is located in Raleigh and specializes in contract furniture solutions. Although the Town has not worked with this vendor previously, All American Relocation and Office Solution has worked with local healthcare providers.

Based upon staff review of bid and discussions with bidder, staff recommends award of the bid to All American Relocation and Office Solution. It should be noted that once All American Relocation and Office Solution staff have performed final layouts of the furniture for the New Recreation Center, there may be minor changes to the furniture selections.

Action: Approve All American Relocation and Office Solution for the New Recreation Center furniture purchase.

Motion: Kennedy  
Second: Marshburn  
Vote: 3:0

## **COMMITTEE REPORTS**

## **MANAGER REPORTS**

- garner info
- Food Truck Rodeo – April 7
- Eggstravaganza – April 13

- Spring cleaning is taking longer to collect; there are multiple crews picking up different categories. The pick-up schedule is posted on the website.

## **ATTORNEY REPORTS**

## **COUNCIL REPORTS**

Singleton

- Stated there is a flaw in the UDO regarding the rezoning and SUP process because the neighborhood commerce center wording is misleading

Kennedy

- Stated there is a special meeting next Tuesday at 3:30 p.m. in the Town Hall Training Room. This is an opportunity for Council to view the preliminary budget. An all-day budget work session is scheduled for May 7.
- Mayor ProTem Marshburn had nothing to report.

## **CLOSED SESSION**

Pursuant to N.C. General Statutes Section 143-318.11(a)(5)) "to discuss possible real estate negotiating position regarding such real estate."

## **RETURN TO REGULAR SESSION**

Council Member Singleton reported Council discussed the potential purchase of property; no action was taken.

**ADJOURNMENT:** 11:13 p.m.

Motion: Singleton  
Second: Marshburn  
Vote: 3:0